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VIRGIL HONEYCUTT

SECRETARY OF DEPARTMENT OF HEALTH, EDUCATION & WELFARE, SOCIAL SECURITY ADMINISTRATION, U.S.A.

## **CAUSE**

Appeal from action of Appeals Council, Department of Health, Education & welfare, Social Security Administration. Claimant applied for benefits under the Federal Coal Mine Health and Safety Act of 1969 as amended (Title 20 CFR) (Title 30 U.S.C.). Claimant takes the position that the administrative Law Judge and Appeals Council erroneous construed provision at 10 km Tion NEVS 12 CFR 410.490(b)(ii)(3).

R. J. Childers 512 Mayo Building Tulsa, Oklahoma 74/03

Nathan G. Graham, U. S. Atty. Robert P. Santee, Asst. U.S. Atty

CHECK		FILING FEES PAID		STATISTICAL CARDS
HERE	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD DATE MAILED
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76-C-	122	JUDGE BARROW	
DATE	NR.	PROCEEDINGS	
3-23-76 3-24	1 2 .	Complaint filed. Summons issued.t Summons & Complaint, ret & filed: Served USA by serving USDA for ND of Ok. at Tulsa, OK, and by serving Atty. General, Washington, D.C. by cert. mail on 3224-76; Served Sec. of HEW, Social Security by serving same by cert. mail.(USM \$6.00)ph	
4-2 4-2	2 3	Motion for Summary Judgment, filed by pltf.t Brf in support of Summary Judgment, filed.t	
4-5	МО	It is ordered by the Ct. that Deft. is granted 10 days from this dt. to respond to Pltf's. Motion for Judgment.(AEB-J)t cps mld.	
4-12	4.	Response to pltf's motion for judgment, filed. lm	
4-12	МО	Case referred to Mag. Morris L. Bradford for F&R re pltf's mot. for S/J and deft's response thereto. (AEB-J)k	
5-17	5	Deft HEW Mot. for Enlargement of time within which to answer, filed.to-	J
5-19 <b>5-25</b>	6. 7.	Order, filed, granting deft. til 7-22-76 to plead or answer. (AEB-J)k Ans. of Deft. Sec. of Dept. of Health & Education, filed.s	cps m1d
6-4 6 <b>-</b> 22	8. MO	Order, filed, overruling pltf's mot. for S/J. (AEB-J)k cps mld Parties are directed to hold PT conf. on or before 8-5-76 & file PT Order on or before 8-11-76. (AEB-J)s cps by cert ml	
8-9	9.	Pre-trial Order, filed. (AEB-J)k	
10-7	МО	It is ordered by the Court that the Plaintiff and Defendant file simultaneous briefs within fifteen (15) days in support of their positions in the above case.s (AEB-J) cps. mld.	
10-18	10	Pltf's Brief, filed. 1m	
10-19	11	Memorandum in support of deft's position of affirmance of Secretary's decision, filed.s	
10-22	12.	Pltf's appl. for 20 days to respond to deft's brief, filed.k O to J	
11-2	13.	Order, filed, granting pltf. until ll-ll-76 to respond to deft's brief.s (AEB-J) cps. mld.	
11-3	14.	Pltf's reply brief in response to brief of deft. filed 10-19-76, filed	.s
1977 5-2 5-2	15. 16.	cps Findings of Fact and Conclusions of Law, filed & entered. (AEB-J)k mld Judgment, filed & entered, in favor of the deft. and against the pltf. (AEB-J)k cps mld	
5-10 5-10 5-10	18	Pltf. mot. for rehearing. fld. ho Pltf. brief in supp. of mot. for rehearing. fld. ho It is ordered by the Ct. that the Deft. file a responsive brief w/in 10 days to Pltf. not. for rehearing. (AEB-J) cps mld. ho	
5-11	1	Pltf. amended brief in supp. of mot. for rehearing. fld. ho	
5 <b>-</b> 19 5-24	20 21	Defts. response to Pltfs mot. for rehearing. fld. ho Order, filed, Overruling Pltf's motion for rehearing. (AEB-J)b cps mld	
7-21		Pltf. appl. to proceed w/out prepayment of costs, affid. in supp. and order. fld. ho 0 to J.	
7 <b>-</b> 21 7 <b>-</b> 21	23	Pltf. affid. of financial status. fld. ho Pltf. notice of appeal. fld. ho (copies to counsel and USCA)	_
7-29			
1-29	-	Order, filed, granting pltf. leave to appeal in f.p.(AEB-J)rm-copies to counsel and USCA	
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CIVIL DOCKET CONTINUATION SHEET

CIVIL BUCKET CONTINUATION SHEET		
PLAINTIFF	DEFENDANT	
VIRGIL HONEYCUTT	SECY. OF H.E.W., etc.	DOCKET NO.
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VIRGI	L HOI	NEYCUTT	SECY. OF H.E.W., etc.	PAGE OF PAGE	
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8-3-77		Appeal record (2 vol	ls) sent to USCA. g		
8-31-77 7 <b>-13-</b> 7	7	Letter from 10th Ci	rcuit, assigning No. 77-1656. of USCA affirming judgment o	rm f 5-2-77, filed a	ınd
10-10		Appeal record (2 vo	ls) received from 10th Cir. rm	1	
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